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November 30, 2005

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Art Unit 1637

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Appl. No. 10/602,045; Filed: June 24, 2003
For: **Molecular Detection Systems Utilizing Reiterative Oligonucleotide
Synthesis**
Inventor: Michelle M. Hanna
Our Ref: 2072.0010003/MAC/SJE

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Requirement for Restriction and Election of Species; and
2. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Simon J. Elliott
Agent for Applicant
Registration No. 54,083

MAC/SJE/lam
Enclosures

469684.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michelle M. Hanna

Appl. No.: 10/602,045

Filed: June 24, 2003

For: **Molecular Detection Systems
Utilizing Reiterative
Oligonucleotide Synthesis**

Confirmation No.: 8156

Art Unit: 1637

Examiner: Kim, Young J.

Atty. Docket: 2072.0010003/MAC/SJE

Reply to Requirement for Restriction and Election of Species

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated November 1, 2005, and in view of the November 29, 2005, telephone interview between the Examiner and the undersigned, Applicant hereby provisionally elects Group I, represented by claims 1-12, 85-97, 100, 115-129, 135-137 and 140-150. Within Group I, Applicant elects for subsequent search and examination on the merits the species of a method involving an RNA polymerase, represented by claims 1-12, 100, 115-129 and 135.

The aforementioned elections of restriction group and species are made without prejudice to or disclaimer of the other claims or inventions disclosed, and are made *with traverse*. The criteria for a proper requirement for restriction are that (1) the inventions must be independent or distinct as claimed; *and* (2) there must be a serious burden on the Examiner if restriction is not required. MPEP § 803. *See also* 37 C.F.R. § 1.141(a) and MPEP § 806.04(b).

First, Applicant notes that the claims of all groups have been classified in class 435, subclass 6. Furthermore, the Examiner had previously identified all of the present claims as belonging to a single Restriction Group in the Restriction Requirement dated March 13, 2003 in Application No. 09/984,664. The present application is a divisional of Application No. 09/984,664. Therefore, as all claims were classified in the same class and subclass and the Examiner has himself previously defined these claims as belonging to a single Restriction Group, each of the three Groups do not define independent and distinct inventions.

Second, even if it could be shown that the inventions were independent and distinct, examining all claims together does not constitute a serious burden on the Examiner. As noted above, all claims belong to the same class and subclass and so a search of the art relevant to the examination of Group I will find art relevant to the examination of Groups II and III. Hence, a serious burden would not be imposed on the Examiner if the claims of Groups I and III were rejoined.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the Restriction Requirement and thereby rejoin Groups I, II and III.

It is believed that extensions of time are not required beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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